

REMARKS

Applicants respectfully request reconsideration of this application as amended. Claims 11-21 have been amended to present the claims in better form for allowance and for possible consideration on appeal. Applicants respectfully request the Examiner to accept the proposed amendments. No claims have been cancelled without prejudice. No new claims have been added. Therefore, claims 1-27 are now presented for examination.

35 U.S.C. § 103 Rejection

Claims 1, 6, 8-11, 18-21 and 27 stand rejected under 35 U.S.C. §103(a), as being unpatentable over Pauls, U.S. Patent No. 5,983,382 (“Pauls”), in view of Gerendai et al., U.S. Patent No. 6,629,285. (“Gerendai”).

Pauls discloses “techniques for providing automatic retransmission query (ARQ) functions in a communication system.” (abstract). However, Pauls fails to teach or reasonably suggest that “in response to receiving an acknowledgement, ceasing to send additional parity packets; and in response to not receiving the acknowledgment, continuing to transmit the parity packets,” as recited by claim 1. The Examiner instead relies on Gerendai as disclosing such a feature.

Gerendai discloses that “the receiver transmits a message from the receiver to the sender *notifying the sender that an identified one of the plurality of the data packets is missing*. The sender retransmits to the receiver the identified one of the plurality of data packets.” (col. 2, lines 32-36; emphasis provided). Stated differently, the resending of packets is in response to the receiving of a message identifying missing packets.

Gerendai further discloses that the “receiver *implicitly acknowledges received data packets by not listing them in the . . . message.*” (col. 2, lines 22-24; emphasis provided).

In contrast, claim 1, in pertinent part, recites that “in response to receiving an acknowledgement, ceasing to send additional parity packets; and in response to not receiving the acknowledgment, continuing to transmit the parity packets.” (emphasis provided). The receiver in Gerendai acknowledges to the sender receipt of packets by not listing the already received packets in the message (col. 2, lines 22-24), which is not the same as in response to receiving an acknowledgement, ceasing to send additional parity packets, as recited by claim 1. Hence, Gerendai does not add any relevance to Pauls, at least with regard to claim 1. Pauls and Gerendai neither individually nor when combined teach or reasonably suggest all the limitations of claim 1. Accordingly, Applicants respectfully request the withdrawal of the rejection of claim 1 and its dependant claims.

Claims 11 and 21 contain limitations similar to claim 1, and thus for the reasons stated above with respect to claim 1, Applicants respectfully request the withdrawal of the rejection of claims 11 and 21 and their dependant claims.

Claims 2-3, 5, 7, 12-13, 15, 17, 22 and 25-26 stand rejected under 35 U.S.C. §103(a), as being unpatentable over (“Pauls”), in view of (“Gerendai”) in view of Luby U.S. Patent No. 6,307,487 (“Luby”).

With regard to claims 2-3, 5, 7, 12-13, 15, 17, 22 and 25-26, they depend from one of independent claims 1, 11 and 21 and thus, include the limitations of the independent claim from which they depend. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 2-3, 5, 7, 12-13, 15, 17, 22 and 25-26.

Claims 4, 14 and 23 stand rejected under 35 U.S.C. §103(a), as being unpatentable over Pauls, in view of Gerendai, Luby, and in further view of Brown, U.S.

Patent No. 6,366,622. (“Brown”).

With regard to claims 4, 14 and 23, they depend from one of independent claims 1, 11 and 21 and thus, include the limitations of the independent claim from which they depend. Accordingly, Applicants respectfully request the withdrawal of the rejection of claims 4, 14 and 23.

Conclusion

In light of the foregoing, reconsideration and allowance of the claims is hereby earnestly requested.

Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Charge our Deposit Account

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

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